


Comments	Response
<p style="text-align: center;"><b>CENTENNIAL RANCHES</b> 652 W. Cromwell, Suite 103 Fresno, CA 93711</p> <p style="text-align: right;"><del>Respond to: William J. Thomas 500 Capitol Mall, Suite 1700 Sacramento, CA 95833</del></p> <p style="text-align: center;"><del>May 31, 2012</del></p> <p>Patricia Kouyoumdjian Bruce Warden California Regional Water Quality Control Board Lahontan Region 2501 Lake Tahoe Blvd. South Lake Tahoe, CA 96150</p> <p>RE: CENTENNIAL RANCHES – COMMENTS RE TENTATIVE WAIVER</p> <p>Dear Ms. Kouyoumdjian and Dr. Warden:</p> <p>1. <del>Centennial Ranches appreciates the amendments that have been adopted in the tentative waiver that have significantly cleaned up the highly polluted water. We are pleased with many of the amendments however, there are examples of additional amendments which we encourage.</del></p> <p>2. Clearly, we support continuation of the interim fecal coliform objective of 200 col. FC, which historically and presently governs all other dischargers in the state and which the waiver expressly acknowledges is fully protective of all applicable basin plan beneficial uses (pages 5 and 6, ¶ 5).</p> <p>3. <del>The waiver however, falls short of specifically setting a timeline for adopting a scientifically defensible indicator for the purpose of monitoring the present bacterial indicator objective of 200 col. FC level.</del></p> <p>If has always been believed that this basin plan objective set for Lake Tahoe, but was merely unartfully placed in the basin plan with no limitation as to its applicability only to Tahoe and similar waters, and certainly not applicable to agricultural regions of the Region. Through Public Record Act discovery in preparation for litigating the originally proffered waiver, the Regional staff provided all Water Board records regarding this fecal objective. Those records not only confirm the above belief, but further clarify 1) there was no supportive rationale for its applicability to any agricultural waters and 2) that the 20 col. FC level was even exceeded in many locations within Lake Tahoe at the time the 20 col. level was admittedly arbitrarily adopted for Lake Tahoe.</p> <p>82226.00001\7415938.1</p>	<div data-bbox="1119 532 2055 599"> <p><b>Centennial 1:</b> comment noted.</p> </div> <div data-bbox="1119 630 2055 1224"> <p><b>Centennial 2:</b> Fecal coliform water quality objective: Language in finding No. 5 of the 2<sup>nd</sup> tentative waiver is not an acknowledgement that the Water Board or their staff are convinced that a 200/100 mL fecal coliform standard is “fully protective of all applicable basin plan beneficial uses,” in the high quality waters of the Lahontan Region just because the “US EPA finds the Federal standard to be protective of agricultural and water contact recreational beneficial uses.”</p> <p>Rather, finding No. 5 documents that, as a responsible public agency, the Water Board and their staff are listening to public concerns voiced at the 2006 Water Board Grazing Workshop and 2006-2009 Triennial Reviews and are following up with a number of investigative studies. The ultimate purpose is to develop scientifically- and legally-defensible indicator bacteria water quality objectives that provide reasonable protection of beneficial uses of high quality waters in geographic areas of predominantly agricultural land use.</p> </div> <div data-bbox="1119 1239 2055 1360"> <p><b>Centennial 3:</b> Workshop on / history of fecal coliform Basin Plan amendment: Please see tentative response to comments <b>Petition 2 and 3.</b></p> </div>

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<p>May 30, 2012 Page 2</p> <p>It is clear this is an improper and unsupported arbitrary level and any effort to enforce or apply it to agriculture in the Region would be successfully challenged.</p> <p>Consequently, there is no need to further delay correcting this mistake. Therefore, the waiver should specifically schedule such a workshop and expedite this basin plan amendment either independently or in the present triennial review.</p> <p>4. As stated on page 6, we understand that USEPA and the SWRCB is contemplating setting new pathogen objectives and that when that happens, these are likely to trump Regional objectives; however, that is no reason to delay correcting the Lahontan's basin plan well prior to the 2017 date stated in the proposal.</p> <p>5. Page 8, ¶¶ 7 and 8 characterize the present water quality data. First, it should be recognized that generally, waters above the valley are usually within standards and waters below the Bridgeport Reservoir are always within standards. The only issue with fecal coliform is across the 5+ miles across the ranch properties.</p> <p>As stated in the waiver, of all the watercourses in the valley, the only exceedances were "two at site" (Walker River in Town) and "three on Buckeye Creek at Bridgeport Reservoir." That is the sum total of the issue presently and that is entirely attributable to the commitment of the valley ranchers.</p> <p>6. Page 11, ¶ 15 targets 2028 as the period to attain whatever the objective will be at that time. We appreciate the delayed target date, but it is somewhat difficult to promise compliance with a standard which is not yet determined and is entirely "on the come".</p> <p>7. Page 12, ¶ 19a. The paragraph regarding the attainment should join the two items with an "or" not the "and".</p> <p>9. Page 16, ¶ iii (this section targets the 5-year waiver period - 2012-2017); however, the language of section 15 references the 2018 date. We should be able to amend this basin plan as to the agricultural areas within a couple of years.</p> <p>Sincerely,    WILLIAM J. THOMAS</p> <p>WJT:lmg</p> <p>82226.00001/7415938.1</p>	<p><b>Centennial 4: <u>New USEPA / SWRCB pathogen water quality objectives</u>:</b> the draft SWRCB "<i>Proposed Revision to the Bacterial Standards for Water Contact Recreation in Fresh Waters of California</i>" contains an exception for Region 6, allowing the Region up to 5 years after policy approval to develop more protective <i>E. coli</i> objectives indicators and bacterial objectives provisions, as appropriate. Changes in USEPA water quality objectives do not "trump" State water quality objectives, unless the updated Federal standards are more protective than existing State standards.</p> <p><b>Centennial 5: <u>Water quality objective exceedances</u>:</b> At the likely points of compliance (see response to tentative comments <b>Lacey 6</b>), there were exceedances of the 200/100 mL waiver interim fecal coliform water quality objective (Attachment B of waiver). Bridgeport Reservoir is not covered under this waiver, so data from the reservoir discharge at the distal end of the lake do not apply (see tentative response to comments <b>Hunewill 7</b>). We acknowledge the efforts of BRO members towards implementation of grazing management practices to improve water quality, though it is uncertain to what extent the high water year of 2011 may have contributed to decreased fecal concentrations from dilution. More data needs to be collected and evaluated to separate seasonal effects from management effects, if any.</p> <p><b>Centennial 6:</b> Within the term of this 5-year waiver, the only standard required of enrollees is clearly the 200/10 mL fecal coliform interim standard.</p> <p><b>Centennial 7:</b> Language was changed as suggested in the proposed waiver.</p> <p><b>Centennial 8:</b> Issues of indicator bacteria standards and timelines for Basin Plan amendments will be discussed at the July 11 Water Board meeting. (see tentative response to comments <b>Petition 2</b>).</p>